REMARKS

Applicants request favorable reconsideration of this application in view of the following remarks. Of claims 1-10 that were pending in the application, claims 1, 5, 9 and 10 were rejected in the Office Action. Applicants appreciate the allowance of claims 2-4 and 6-8. By way of this Reply, Applicant have made no amendments and, therefore, claims 1-10 remain pending for further consideration.

1. Objections to Claims 3 and 6

The Examiner objected to claims 3 and 6 for failure to include status identifiers. Claims 3 and 6 were last amended in the Amendment filed March 12, 2002. Subsequently, amendments were made to claims 1, 2, 4, 5, 7, and 8 and claims 9 and 10 were added in the Amendment filed June 26, 2002, which was filed prior to the current rule regarding showing all claims (with status identifiers) in any Amendment in which claims are amended, withdrawn, added, or canceled. Accordingly, as no amendments to the claims have been made since June 26, 2002, Applicants were not previously required to list all of the claims (including claims 3 and 6) with status identifiers. However, to expedite prosecution, this response includes a listing of claims 1-10, along with their respective identifiers and, therefore, the objection to claims 3 and 6 should be withdrawn.

2. Rejection of Claims 1, 5, 9, and 10

The Office Action rejected claims 1, 5, 9, and 10 under 35 U.S.C. § 102(a) as allegedly being anticipated by JP11-311135 ("Nagaishi"). For the following reasons, Applicants respectfully traverse this rejection.

a. Claims 1, 9, and 10

Independent claim 1 (*i.e.*, the claim from which claims 9 and 10 depend) recites a method for controlling intake air of an internal combustion engine. The engine has at least one combustion chamber provided with an intake valve together with an intake manifold provided with a throttle valve. The opening and closure timings of the intake valve are adjustable independently from a crankshaft position to control the amount of intake air supplied to the combustion chamber. This method includes, among other possible steps (italic emphasis added):

> *damping an operating signal* for the intake valve relative to a change in acceleration or deceleration demand on the engine, for unthrottled intake air control.

As hereafter explained, Nagaishi fails to teach or suggest such a method.

In Figure 12 of Nagaishi, which was cited by the Office Action, an operating signal for an intake valve switches from an operation point on a broken line to an operation point on a corresponding solid line in a response to a change in acceleration demand. However, in contrast to the above-italicized limitation of claim 1, Nagaishi's operating signal is not damped. Rather, Nagaishi's operating signal tracks the change in acceleration demand and, therefore, the operating signal is not damped. Moreover, neither col. 3, lines 34-43 of corresponding U.S. Patent No. 6,397,814 nor col. 3, lines 34-43[1] of Nagaishi (which was cited by the Examiner) makes any mention of damping.

For at least the aforementioned reasons, as Nagaishi fails to teach or suggest each of the limitations of claim 1, Nagaishi standing alone can not be used to reject claim 1, or any claim dependent thereon, under 35 U.S.C. § 102(a). Moreover, as claims 9 and 10 depend from claim 1, each of these dependent claims is also allowable over Nagaishi, without regard to the other patentable limitations recited therein. Accordingly, Applicants respectfully request a withdrawal of the rejection of claims 1, 9, and 10 under § 102(a).

b. Claim 5

Similar to the method recited in claim 1, independent claim 5 recites a system for controlling intake air of an internal combustion engine. The engine has at least one combustion chamber provided with an intake valve together with an intake manifold provided with a throttle valve. The opening and closure timings of the intake valve are adjustable independently from a crankshaft position to control the amount of intake air supplied to the combustion chamber. This system includes, among other possible things (italic emphasis added):

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[1] Applicants' undersigned attorney obtained the following translation of col. 3, lines 34-43 of Nagaishi from an employee that speaks and reads Japanese:

> [0013] Thus, the opening of a throttle valve can be controlled to a desired property only by a mechanical system, without having an electrical control throttle equipment. The invention according to Claim 5 maintains the opening of the throttle valve under a predetermined value, and controls the closing timing of the inlet valve to the range of the maximum of the intake air amount under low engine load conditions. Under high engine load conditions, it switches to the complete opening of the throttle valve and maintains it, and after switching the closing timing of the said inlet valve to maintain the torque at a constant value at the same time the throttle valve is switched to full opening, the variable control begins to control the intake air quantity.

The above-translated language makes no reference to damping.

a control for *damping an operating signal* for the intake valve relative to a change in acceleration or deceleration demand on the engine, for unthrottled intake air control.

As hereafter explained, Nagaishi fails to teach or suggest such a system.

The above-italicized limitation is the same as the limitation previously discussed with respect to claim 1. Accordingly, the same arguments previously set forth with respect to claim 1 are equally applicable to claim 5. As a result, for at least the aforementioned reasons, Nagaishi fails to teach or suggest each of the limitations of claim 5. In light of this failure of Nagaishi, Nagaishi standing alone can not be used to reject claim 5 under 35 U.S.C. § 102(a) and, therefore, Applicants also respectfully request a withdrawal of the rejection of claim 5.

CONCLUSION

For the aforementioned reasons, claims 1-10 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if a telephone interview would expedite the prosecution of the application.

Respectfully submitted,

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